

The Gazette



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No. 8] NEW DELHI, SATURDAY, FEBRUARY 23, 1957

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 16th February, 1957 :—

	No. and date	Issued by	Subject
65	S.R.O. 464, dated the 11th February 1957.	Ministry of Finance.	Amendment made in the S.R.O. 2993, dated the 11th December 1956.
66	S.R.O. 465, dated the 22nd January, 1957.	Election Commission, India.	Election Petition No. 320 of 1952.
67	S.R.O. 525, dated the 14th February 1957.	Ministry of Law.	Declaration containing the name of the candidate to fill the seat reserved for the Scheduled Castes in the Darbhanga constituency of the House of the People.
68	S.R.O. 526, dated the 15th February 1957.	Ministry of Home Affairs.	The All India Services (Overseas Pay, Passages and Leave Salary) Rules, 1957.
69	S.R.O. 527, dated the 15th February 1957.	Ministry of Finance.	Rule regarding compensation payable under Life Insurance (Emergency Provisions) Act, 1956.
70	S.R.O. 528, dated the 16th February 1957.	Ditto.	Appointment of date on which the Securities Contracts (Regulation) Act, 1956 shall come into force.
	S.R.O. 529, dated the 13th February 1957.	Ministry of Labour.	The Employees Provident Funds Act, 1952 shall apply to the establishments specified therein.
71	S.R.O. 530, dated the 14th February 1957.	Election Commission, India.	Amendment made in the notification No. 434/2/56(1), dated the 7th January 1957.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF LAW

ERRATUM

In the Ministry of Law Notification bearing S.R.O. 1943 dated the 30th August, 1956, containing the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, printed in booklet form:—

Page 36 in Form 2A after the words (if the omission has occurred) (to be filled by the proposer) add "I hereby nominate as a candidate for election from the Parliamentary Constituency."

MINISTRY OF HOME AFFAIRS

New Delhi-2, the 16th February 1957

S.R.O. 539.—In pursuance of rule 11 of the Indian Police Service (Pay) Rules, 1954, the Central Government, after consultation with the Government of Madras, hereby makes the following amendment in Schedule III-B to the Indian Police Service (Pay) Rules, 1954, namely:—

In the said Schedule, for the proviso to clause (2), the following proviso shall be substituted, namely:—

"Provided that the posts of Assistant Inspector General of Police (at Headquarters), Assistant to the Inspector General of Police (at Headquarters), Deputy Commissioner of Police, Principal, Police Training School or College, Commandant of Armed Police Battalion or Force or unit (except Commandant, Malabar Special Police Madras) Superintendent of Railway Police (except Superintendent of Railway Police, Madras) and Superintendent of Police, Criminal Investigation Department, shall carry a Special pay".

[No. 13/4/55-AIS(III).]

P. PRABHAKAR RAO, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 3rd February 1957

S.R.O. 540.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the following further amendment shall be made to the Indian Foreign Service Rules, 1954, namely:—

In clause (ii) of sub-rule (b) of rule 12 of the said rules for the first sentence, the following shall be substituted, namely:—

"Family" means the Government servant's wife residing with him, and legitimate children and step children residing with and wholly dependent upon him."

This amendment shall be deemed to have taken effect on the 4th September, 1956.

[No. F.8(13)EII/56(IFSR-Amd.19).]

New Delhi-3, the 14th February 1957

S.R.O. 541.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the following further amendments shall be made to the Indian Foreign Service Rules, 1954, namely:—

In the said Rules—

1. In clause (b) (ii) of rule 12, for the words "nurse or a governess" the word "servant" shall be substituted.

2. for clause (b) of sub-rule (6) of rule 13, the following shall be substituted, namely:—

- (b) *Servants.*—(i) In the case of a journey or part of a journey by sea, the fare of the cheapest passage available on the same boat by which the Government servant and/or members of his family travel except that, where the Government servant has a child of five years of age or under, the servant shall be entitled to the fare of the same class by the same boat by which the Government servant and/or members of his family travel;
- (ii) in the case of a journey or a part of journey by rail, the fare of the lowest class except where the Government servant has a child of five years of age or under, in which case the servant shall be entitled to first class fare. Where, however, first class sleeping accommodation is obtainable on payment of supplement to a second class fare, second class fare with the supplement would be admissible.

NOTE.—Where the government servant is entitled to transport more than one Indian servant at Government cost, the concession of travel by higher class in circumstances indicated in (i) and (ii) above, shall be admissible to only one servant.

2. This amendment shall be deemed to have taken effect on and from the 3rd day of September, 1956.

[No. F.8(6)-EII/56(IFSR-Amd.20.)]

A. S. MEHTA, Dy. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 11th February 1957

S.R.O. 542.—Whereas having regard to the number of banking companies wound up and other circumstances of the case, the Central Government is of opinion that it is not necessary to attach for the time being a court liquidator to the High Court of Jammu and Kashmir;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 38A of the Banking Companies Act, 1949 (10 of 1949), the Central Government hereby directs that section 38A of the said Act shall not have effect in relation to the said High Court of Jammu and Kashmir.

[No. F.4(196)-F.I/56.]

K. P. BISWAS, Under Secy.

(Department of Economic Affairs)

New Delhi, the 13th February 1957

PUBLIC DEBT RULES, 1946

S.R.O. 543.—The following draft of an amendment to the Public Debt Rules, 1946, which the Central Government proposes to make in exercise of the powers conferred by section 28 of the Public Debt Act, 1944 (18 of 1944), is hereby published as required by sub-section (1) of that section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 16th March, 1957.

2. Any objection or suggestion received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the said Rules, in the proviso to sub-rule (1) of Rule 7A, after the words "Reserve Bank of India", the following shall be inserted, namely:—

"or to a scheduled bank as defined in clause (e) of Section 2 of the Reserve Bank of India Act, 1934, or to any society registered or deemed to be

registered under any law for the time being in force in India relating to co-operative societies."

[No. F.S.7(5)-B/56.]

K. C. DAS, Under Secy.

Explanatory Note

The purport of the amendment is to allow holders of 10-Year Treasury Savings Deposit Certificates to pledge them with Scheduled Banks and Co-operative Banks and Societies for securing advances against the certificates.

(Department of Company Law Administration)

New Delhi, the 19th February 1957

S.R.O. 544.—In pursuance of sub-rule (1) of Rule 48 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), the Central Government hereby appoints the Officers specified in column 1 of the table below as officers to whom notices of orders attaching the salaries and allowances of the officers specified in the corresponding entries in column 2 of the said table shall be sent.

TABLE

Officers to whom notice should be sent.	Officers whose salaries and allowances are attached
I	2
Accountant General, Central Revenues, New Delhi.	Gazetted Officers in the Ministry of Finance, Department of Company Law Administration.
Under Secretary (Administration), Ministry of Finance, Company Law Administration.	Non-Gazetted Officers in the Ministry of Finance Department of Company Law Administration.

[No. 1(24)-CLA/56.]

P. B. SAHARYA, Under Secy.

(Department of Revenue)

CENTRAL EXCISES

New Delhi, the 23rd February 1957

S.R.O. 545.—In exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, and in supersession of the notification of the Government of India, Ministry of Finance (Department of Revenue) No. CER8(1)/57, dated the 12th January 1957, the Central Government hereby exempts waxed paper from the excise duty leviable thereon under section 3 of the Central Excises and Salt Act, 1944 (I of 1944), subject to the condition that it is proved to the satisfaction of the proper officer that the excise or customs duty leviable in respect of the paper used in the manufacture of such waxed paper had been duly paid.

[No. 14.]

S.R.O. 546.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment to the Central Excise Rules, 1944, namely,—

In clause (ii) (A) of rule 2 of the said Rules, after item (j), the following item shall be inserted, namely:—

"(k) in the Andaman and Nicobar Islands, the Deputy Commissioner, Andaman and Nicobar Islands, Port Blair;".

[No. 15/57.]

S. K. BHATTACHARJEE, Dy. Secy.

CENTRAL BOARD OF REVENUE

CENTRAL EXCISES

New Delhi, the 23rd February 1957

S.R.O. 547.—In exercise of the powers conferred by clause (b) of section 2 of the Central Excises and Salt Act, 1944 (I of 1944), as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby invests

- (a) the Deputy Commissioner, Andaman and Nicobar Islands, and
- (b) all the Tahsildars in the said Islands within their respective jurisdictions,

with all the powers of a Central Excise Officer under the said Act.

[No. 16/57.]

S.R.O. 548.—In exercise of the powers conferred by rule 4 of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby appoints

- (a) the Deputy Commissioner Andaman and Nicobar Islands, and
- (b) all Tahsildars in the said Islands within their respective jurisdictions, to exercise all the powers conferred by the said rules on Central Excise Officers.

[No. 17/57.]

S. K. BHATTACHARJEE, Secy.

MINISTRY OF COMMERCE AND CONSUMER INDUSTRIES

New Delhi, the 14th February 1957

S.R.O. 549.—In exercise of the powers conferred by section 25 of the Rubber Act, 1947 (24 of 1947), the Central Government hereby makes the following amendment in the Rubber Rules, 1955, published with the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 1662, dated the 1st August, 1955, namely—

In the said Rules—

(1) For the words “in the Ministry of Commerce and Industry” wherever they occur, the words “in the appropriate Ministry” shall be substituted.

(2) In rule 5, after the words “as the case may be”, the following shall be added, namely—

“or until the expiry of thirty days from the date of receipt of resignation by the Secretary, whichever is earlier”

(3) In clause (b) of rule 6, after the word “non-bailable”, the word “or” shall be inserted.

(4) In sub-rule (1) of rule 8, for the words “out of its own number, a person to be the Vice-Chairman”, the words “a member to be the Vice-Chairman” shall be substituted.

(5) After rule 10, the following shall be inserted, namely—

“10A. Absence from meeting of a Committee.”—Any member of a Committee who absents himself from two consecutive meetings of the Committee without the leave of the Chairman, and in any case from three consecutive meetings, shall cease to be a member of that Committee.

10B. Filling of Casual Vacancies.—(1) Any casual vacancy on a committee shall be filled by the Board.

(2) A person appointed to fill a casual vacancy in a Committee shall hold office so long as the member whose place he fills, would have been entitled to hold office, if the vacancy had not occurred.

10C. Presiding over Committee meetings.—The Chairman shall preside over every meeting of the Committee at which he is present and in his absence, the Vice-Chairman shall preside, if he is a member of the

Committee. In the absence of both the Chairman and the Vice-Chairman, the members of the Committee shall elect one from amongst those present to preside at that meeting".

(6) After rule 11, the following shall be inserted namely

"11A. *Agenda.*—(1) At least 10 clear days before any ordinary meeting of the Board and at least 7 clear days before any meeting of a Committee, a list of business to be transacted at the meeting, signed by the Secretary shall be sent to the Government of India and left at or posted to the address of every member of the Board or the Committee.

(2) No business not included in the list of business shall be transacted without the permission of the Chairman of the Board or of the Committee".

(7) In rule 13, for sub-rule (3), the following shall be substituted namely—

"(3). If a resolution or proposal is circulated, the result of the circulation shall be communicated to all members of the Board or of the Committee, as the case may be.

A copy of the resolution or proposal circulated and the result of the circulation shall also be communicated to the Government of India"

(8) For rule 16, the following shall be substituted, namely:—

"16. *Travelling and other allowances to members of the Board and its committees.*—(1) A member of the Board or of any Committee other than a Government servant, shall be entitled to draw, in respect of any journey performed by him for the purpose of attending a meeting of the Board or of a duly constituted committee thereof or for the purpose of discharging any duty assigned to him by the Board or the Committee concerned, travelling allowance and daily allowance at the highest rates admissible to Government servants of the first grade under the rules and orders made by the Central Government and for the time being in force.

(2) In the case of any journey performed by an official of the Central or the State Government specially nominated or coopted by the competent authority to serve on any *ad hoc* committee or any other committee or to attend to any other business of the Board, the travelling and daily allowances admissible to him shall be payable by the Board at the rates admissible to him under the rules of the Government under which he is for the time being employed.

(3) No travelling allowance or daily allowance shall be allowed to a member of the Board or of any Committee unless he certifies that he has not drawn any travelling or daily allowance from any other source in respect of the journey and halt for which the claim is made.

(4) Travelling allowance shall be payable from the usual place of residence of a member of the Board or any Committee to the place of the meeting or the place where he has gone to attend to any business of the Board and back to his place of residence:

Provided that when the journey commences from or the return journey terminates at any place other than the usual place of residence, the travelling allowance shall be limited to the amount that would have been payable had the journey commenced from or terminated at the usual place of residence, or to the amount payable in respect of the actual journey undertaken, whichever is less:

Provided further, that in special circumstances and with the previous approval of the Central Government, the Chairman may grant travelling allowance from places other than the usual place of residence of a member.

(5) *Conveyance allowances.*—No conveyance allowance for attending meetings of the Board or any committee or for attending to any other business of the Board, shall be paid to those members of the Board or committee who draw travelling or daily allowance:

Provided that a member of the Board or any committee who is resident at a place where the meeting of the Board or that committee is held or where any other business of the Board is transacted, may be paid the actual expenditure incurred on conveyance by him subject to a maximum of Rs. 10 per day."

(9) In sub-rule (2) of rule 30, for the figures "28", the figures "29" shall be substituted.

(10) In rule 32, the following shall be added, namely—

"(4) Neither the Chairman nor any officer of the Board nor any member of the Board shall be liable for any assurance or contract made by the Board but any liability arising out of such assurance or contract shall be discharged from the monies at the disposal of the Board."

(11) In rule 33, after clause (b), the following shall be added, namely—

"(c) Any person required to furnish any information or to produce a document under clause (a) or (b) shall furnish such information or produce such document, or show cause why it could not be furnished or produced within the time specified in the notice."

"(d) The Board may authorise any Officer to call for production of information and records from an owner of an estate, or any licensed dealer or any manufacturer or any other person if he has reason to believe that such person has any rubber in his possession".

(12) After rule 33, the following shall be inserted, namely—

"33A. (1) If any owner of an estate fails to furnish in due time the return referred to in sub-section 4 of section 12 or furnishes a return which the Board has reason to believe is incorrect or defective, the Board may serve a notice on the owner calling upon him to produce all or any of his accounts relating to production of rubber on his estate and to prove—

- (a) if no return has been submitted, that there was no production;
- (b) if a return has been submitted, the correctness and completeness of the return.

The Board shall, after checking the amount and after making such further enquiry as it deems fit, assess the amount payable under sub-section (2) of section 12.

(2) The same procedure shall be followed, if for any reason the whole or any part of the production in an estate has escaped assessment in any year.

The Board may delegate its powers under this rule to the Secretary."

(13) In sub-rule 5. of rule 37 for the words "Vice Chairman" the words "Rubber Production Commissioner" shall be substituted.

(14) In rule 42, the following shall be added at the end namely—

"or if he contravenes any of the conditions of the licence."

(15) For rule 43, the following shall be substituted, namely—

"43. (1) Every estate, when required to do so and every licensed dealer shall submit to the Board a true and correct monthly return of raw rubber held, produced, or acquired or disposed of, in forms 'H' and 'L'.

(2) Every manufacturer shall submit to the Board a monthly return of stocks of rubber held, or acquired, consumed etc. in Forms 'K' and 'L'."

(16) For rule 45, the following shall be substituted, namely—

"45. Licence Fees.—The Board shall levy fees at the following rates for a year or part of a year for issuing licences under these rules, namely—

- (a) for purchasing rubber exceeding 150 lbs. but not exceeding 4 tons—Rs. 4 per licence;
- (b) for purchasing rubber exceeding 4 tons—Rs. 10 per licence;
- (c) for new planting and replanting of rubber—Re. 1 per licence, and
- (d) for licence to dealers—Rs. 100 per licence.

(17) For Form C, the following form shall be substituted, namely—

FORM C

[See Rule 39(1).]

Reg. No. **Licence No.** **Date**.....

Mr./Messrs..... of is/are hereby authorised to buy, or otherwise acquire rubber from any registered estate or any licensed dealer and sell rubber to another licensed dealer or licensed manufacturer subject to the following conditions:

This licence shall remain in force from..... to both days inclusive, and is not transferable.

Conditions

- (1) No rubber shall be purchased from any person other than a licensed dealer or a registered estate and no rubber shall be sold to any person other than a licensed dealer or a licensed manufacturer.
- (2) The licensee shall not purchase or sell rubber on behalf of any other person unless he is an authorised agent of such person, and such authorisation has been registered in the books of the Rubber Board.
- (3) The licensee shall issue a purchase bill to the seller every time a purchase is made containing the following particulars:
 - (a) Licence number and address of the Licensee.
 - (b) Licence number or registration number and address of the seller.
 - (c) Date of purchase.
 - (d) Grade of rubber.
 - (e) Weight in lbs.
 - (f) Rate for 100 lbs.
 - (g) Amount.

Kottayam, Kerala State.

Date.....

For the Rubber Board,
Secretary.

(18) For Form E the following form shall be substituted, namely—

FORM E

(See rule 40)

THE RUBBER BOARD

Licence to acquire rubber

Licence No. **Date**

Mr./Messrs..... is/are hereby authorised to purchase or otherwise acquire the undermentioned quantities of rubber from registered estates or licensed dealers in India subject to the conditions specified below:

Grades	Tons	Lbs.
.....
.....
.....

This licence is valid from.....to.....both days inclusive

Conditions

- (1) No rubber shall be purchased from any person other than a licensed dealer or a registered estate, or authorised agent of such dealer or registered estate holding an authorisation registered in the books of the Board.
- (2) If any rubber is purchased through the licensee's authorised agent, the authorisation of such agent should have been registered in the books of the Rubber Board.

- (3) The licensee shall issue a purchase bill to the seller or obtain a sales bill from the seller every time a purchase is made containing the following particulars:
- (a) Licence number and address of Licensee.
 - (b) Licence number or registration number and address of the seller.
 - (c) Date of purchase.
 - (d) Grade of rubber.
 - (e) Weight in lbs.
 - (f) Rate per 100 lbs.
 - (g) Amount.

Kottayam, Kerala State.

Date.....

For the Rubber Board,
Secretary.

(19) Form J shall be deleted and the following form shall be added as Form L:—

FORM L

(See rule 43)

(The return for each month should be sent so as to reach the Secretary, Rubber Board, Kottayam, not later than the 10th of the succeeding month.)

THE RUBBER BOARD

Name of Estate/Dealer/Manufacturer.....

Reg. No./Licence No.....

Details of raw rubber acquired and/or disposed of in the month of
as per col. II and III of Form H in the case of estates and dealers, and col. 2 of
Form K in the case of manufacturers.

(To be filled up by Dealers and Manufacturers) QUANTITY ACQUIRED		(To be filled up by dealers and Estates) QUANTITY DISPOSED	
Name and Reg. No. of Estate Dealer	Quantity in lbs. acquired from each estate or dealer	Name and Reg. No. of Dealer/Manufacturer	Quantity in lbs. disposed of to each dealer or manufacturer.
Total :		Total :	

Place.....

Date.....

Signature of the

owner of the Estate
dealer
Manufacturers.

[No. 20(8)Plant(B)/55.]

COFFEE CONTROL

New Delhi, the 18th February 1955

S.R.O. 550.—In exercise of the powers conferred by section 48 of the Coffee Act, 1942 (7 of 1942), the Central Government hereby makes the following further amendment in the Coffee Rules, 1955, published with the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 1606, dated the 1st August, 1955, namely:—

In rule 10 of the said rules, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) The Board shall, in each year, out of its own number, elect a person to be the Vice-Chairman for a period of twelve months commencing

from the date of his election or, if the election is held before the expiry of the term of office of an existing Vice-Chairman, from the date on which such Vice-Chairman would vacate office".

[No. 15(10)Plant (B)/56.]

P. V. S. SARMA, Dy. Secy.

MINISTRY OF HEAVY INDUSTRIES

ORDER

New Delhi, the 19th February 1957

S.R.O. 551.—IDRA/64/Am(1).—In exercise of the powers conferred by Section 8 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri Gianchand, Messrs. Amar Electrical and Mechanical Engineering Works, Millarganj, Ludhiana, as a member of the Development Council established by the Order of the Government of India in the Ministry of Heavy Industries No. S.R.O. 150-IDRA/64, dated the 11th January, 1957, for the scheduled industry engaged in the manufacture of Machine tools, and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order, under the category of members "being persons, who, in the opinion of the Central Government are capable of representing the interests of owners of industrial undertakings in the said scheduled industry", after entry No. 3 relating to Shri Lalchand Hirachand Doshi, M.P., The Cooper Engineering Works, Satara Road, the following entry shall be inserted, namely:—

3A. Shri Gianchand, Messrs. Amar Electrical & Mechanical Works, Millarganj, Ludhiana."

[No. 5(27)IA(GB)/56.]

B. B. NAG, Under Secy.

MINISTRY OF AGRICULTURE

CORIGENDUM

New Delhi, the 14th February 1957

S.R.O. 552.—In the notification of the Government of India in the Ministry of Agriculture, S.R.O. 2445 (No. F.17-58/55-AM) dated the 27th September, 1956 published in the Gazette of India (pages 1694 to 1698) Part II Section 3 dated 6th October, 1956 the following corrections may be made:—

(1) The word "under" may be inserted between the words "prescribed" and "Column" in para two under col. 4 entitled 'General Characteristics' of Schedule I.

(2) The words 'C.P.Y.', 'P.G.Y.' and 'G.D.C.' appearing under Col. I 'Grade designation of the schedule II may be read as 'G.P.Y', 'G.Y' and 'G.C', respectively.

(3) The word 'Pulled' occurring in the foot note of schedule II may be read as 'Ginned' so as to make the foot note to read as 'Ginned wool' shall be marked as 'Ginned Wool' on Agmark labels and bales".

[No. F.17-1/57-AM.]

V. S. NIGAM, Under Secy.

(L.C.A.R.)

New Delhi, the 11th February, 1957

S.R.O. 553.—The following draft of certain further amendments to the Indian Central Oilseeds Committee Provident Fund Rules, 1949, which the Central Government proposes to make in exercise of the powers conferred by section 17 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), is published as required by sub-section (1) of the said section, for the information of persons likely to be

affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 12th March, 1957.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendments

In the said rules—

- (1) for rule 5, the following rule shall be substituted, namely:—

“5(1) These rules shall apply to every salaried officer and servant of the Committee employed either temporarily or on a long-term basis, not being—

- (a) a person who has not put in three years' service under the Committee;
- or
- (b) a person who is a permanent servant of the Central Government or of a State Government whose services have been lent or transferred to the Committee:

Provided that these rules shall not apply to any such servant between whom and the Committee an agreement subsists in respect of a Provident Fund, other than an agreement providing for the application to him of these rules, and, in the case of an agreement so providing, shall apply subject to the terms of such agreement.

- (2) Every servant of the Committee to whom these rules apply and whose salary exceeds Rs. 50 per month shall subscribe to the Fund, and every servant of the Committee to whom these rules apply and whose salary does not exceed Rs. 50 P.M. shall have the option to subscribe to the Fund.”

- (2) for sub-rule (3) of rule 8, the following sub-rule shall be substituted, namely:—

“(3) A person employed under the Committee, either temporarily or on a long-term basis, may subscribe with effect from the date of his appointment under the Committee, but he will be entitled to claim the Committee's share of contribution to the Fund only with effect from the date on which he completes three years of service under the Committee”.

[No. 5-101/56-Com.I.]

AJUDHIA PRASADA, Under Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

PORTS

New Delhi, the 13th February 1957

S.R.O. 554.—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (15 of 1908), the Central Government hereby makes the following amendments to the Port of Cochin (Handling and Storage of Compressed Gas Cylinders) Rules, 1949, the same having been previously published as required by sub-section (2) of the said section, namely:—

- I. In the said Rules—in rule 5, the following Note shall be inserted at the end, namely:—

“**NOTE.**—Whenever possible, the storage of cylinders containing gases and liquids under pressure shall be permitted in the Port's hazardous goods shed No. 1 on Willingdon Island subject to availability of space provided the necessary prior written permission of the Traffic Manager is obtained in each case.”

II. In rule 9, the following Note shall be inserted at the end, namely:—

“Note.—Whenever possible, the storage of cylinders containing gases and liquids under pressure shall be permitted in the Port's hazardous goods shed No. 1 on Willingdon Island subject to availability of space provided the necessary prior written permission of the Traffic Manager is obtained in each case”.

[No. 6-PII(79)/56.]

New Delhi, the 14th February 1957

S.R.O. 555.—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act 1908 (15 of 1908) the Central Government hereby makes the following amendment to the Kandla Port Rules 1955, the same having been previously published as required by sub-section (2) of the said section namely:—

In the said rules for clause (b) of rule 9, the following clauses shall be substituted namely:—

(b) All sea-going vessels in harbour shall be so ready as to be able to raise full steam at 12 hours notice, except in the case of tankers and vessels carrying explosives which are to be ready at 4 hours notice. In cases of emergencies due to stress of weather or otherwise or for reasons of special circumstances, all vessels in port can be called upon to raise full steam at 4 hours' notice.

(c) Masters are advised that they may not immobilise their vessels without first advising the Deputy Conservator, Kandla Port.”

[No. 3-PII(114)/56.]

K. BALAKRISHNAN, Under Secy.

(Transport Wing)

Lighthouses

New Delhi, the 14th February 1957

S.R.O. 556.—In exercise of the powers conferred by clause (2) of section 2 of the Indian Lighthouse Act, 1927 (17 of 1927), the Central Government hereby declares the lighthouse at Rajpuri Point in the State of Bombay to be a general lighthouse for the purposes of the said Act, with effect from the 1st April, 1957.

[No. 10-ML(7)/54.]

S. K. GHOSH, Dy. Secy.

MINISTRY OF PRODUCTION

New Delhi, the 12th February, 1957

S.R.O. 557.—In exercise of the powers conferred by sub-section (2) of section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952), the Central Government hereby appoints Shri G. S. Jabbi, Officiating Chief Inspector of Mines in India, to be a Member of the Coal Board with effect from the 12th February, 1957 vice Shri S. S. Grewal, Chief Inspector of Mines in India, proceeded on leave with effect from that date.

[No. C5-1(2)/57.]

A. NANU, Dy. Secy.

MINISTRY OF EDUCATION

New Delhi, the 13th February 1957

S.R.O. 558.—In exercise of the powers conferred by Section 25 of the University Grants Commission Act, 1956 (3 of 1956) the Central Government hereby makes the following amendment in the University Grants Commission (Disqualification,

Retirement and conditions of Service of Members) Rules, 1956. For rule 5(v) of the said Rules, the following shall be substituted, namely:—

“(v) The Chairman shall be entitle to travel by the highest class of accommodation available in the train including air conditioned accommodation and shall also have the right to reserve by requisition a first class compartment when travelling by Railway on duty. He shall also be entitled to travel by air in his discretion.

NOTE.—A first class compartment for the purpose or this sub-rule means a two-berthed compartment or an air-conditioned coupe, where it is available, or a four-berthed compartment, if a two-berthed compartment or an air-conditioned coupe is not available, in the train by which the Chairman travels.”

[No. F.24-48/56-A.I.]

K. G. SAIYIDAIN, Secy.

MINISTRY OF COMMUNICATIONS

(Posts and Telegraphs)

New Delhi, the 12th February 1957

S.R.O. 559.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendments in Apppendix 'B' to the rules for recruitment to the Post & Telegraphs, Exchange Inspectors Grade I and other equivalent posts in the Telephone Districts of Bombay, Calcutta and Madras published with the notification of the Government of India in the Ministry of Communications (Posts & Telegraphs), No. S.R.O. 992 dated the 30th May, 1953, namely:—

Under the heading “Bombay Telephone District,”—

(1) in serial No. (1), Column (4), the word “and” at the end of item (ii) shall be omitted and for item (iii), the following item shall be substituted, namely:—

“(iii) Selection Grade Exchange Inspectors Grade II & Selection Grade Instrument Inspectors”.

(2) in serial No. (2), column (4), the word “and” at the end of item (ii) an item (iii) shall be omitted.

[No. TE. 7-3/56(NCG).]

H. C. SHARMA, Under Secy.

MINISTRY OF REHABILITATION

New Delhi, the 14th February 1957

S.R.O. 560.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri M. R. Vaid, Housing & Rent Officer as Additional Settlement Commissioner for the purpose of performing the functions assigned to such Commissioner by or under the said Act with effect from the date he took charge of his office.

[No. 16/3/57-SII.]

New Delhi, the 16th February 1957

S.R.O. 561.—In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Nawal Singh as Assistant Settlement Officer for the purpose of performing the functions assigned to such officer by or under the said Act, with effect from the date he took charge of his post.

[No. F.7/1/57-S.II.]

New Delhi, the 19th February 1957

S.R.O. 562.—In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Miss Maya Dasgupta as Assistant Settlement Officer for the purpose of performing the functions assigned to such officer by or under the said Act, with effect from the dates he took charge of her post.

[No. F.7/1/57-SII.]

MANMOHAN KISHAN, Under Secy.

New Delhi, the 23rd February 1957

S.R.O. 563.—In exercise of the powers conferred by Sub-Section (2) of Section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the Deshbandhu College, Kalkaji, New Delhi.

[No. 5(7)/55-RHA.]

K. N. CHANNA, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 14th February 1957

S.R.O. 564.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the dispute between certain employers in Vizagapatam Port and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, MADRAS INDUSTRIAL DISPUTE NO. 3 OF 1956

BETWEEN

Stevedores:

1. Messrs. H. K. Banerjee & Co.
2. Messrs. K. Ramabrahman & Sons.
3. Messrs. Sarat Chatterjee & Co., Ltd.
4. Messrs. G. S. Murty & Co. Ltd.
5. Messrs. Larive & Co.
6. Messrs. Roy & Chatterjee Ltd.
7. Messrs. N. Selvaradjalou Chetty & Co.
8. Messrs. Balailal Mookerjee & Co.

Port Contractors:

1. Messrs. K. Ramabrahman & Sons.
2. Messrs. Larive & Co.
3. Messrs. H. K. Banerjee & Co.

.Steamer Agents, Shippers, Clearing & Forwarding Agents:

1. Messrs. Binny & Co., Ltd.
2. Messrs. Gordon Woodroffe & Co. (Madras) Ltd.
3. Messrs. A. V. Bhanoji Row, G. P. Ramayya & Co.
4. Messrs. James Finlay & Co.
5. Messrs. K. Ramabrahman & Sons.
6. Messrs. Best & Co. Ltd.
7. Messrs. Shriram Shipping Service Ltd.
8. Messrs. D. S. Narayana & Co.
9. Messrs. Parry & Co. Ltd.
10. Messrs. Ripley & Co. Ltd.
11. Messrs. N. Selvaradjalou Chetty & Co.
12. Messrs. Volkart Bros. Agency.
13. Messrs. Larive & Co.
14. Messrs. P. V. Ramanamurthy.

15. Messrs. F. W. Heilgers & Co. Ltd.
16. Messrs. The India Steamship Co. Ltd.
17. Messrs. Gladstone Lyall & Co. Ltd.
18. Messrs. Balailal Mookerjee & Co.
19. Messrs. Karamchand Thapar & Bros.
20. International Clearing & Shipping Agency.
21. International Shipping Corporation.
22. Messrs. East Asiatic Co. Ltd.
23. Messrs. R. B. Seth Shreeram Durga Prasad.
24. Messrs. R. S. Gopikrishan Agarwal Ltd.
25. Messrs. B. P. Khemka & Co.
26. Messrs. Sepulchre Bros
27. Messrs. Ram Bahadur Thakur & Co.
28. Messrs. Central Hindustan Industrial Corp. Ltd.
29. Messrs. The Associated Minerals Traders.
30. Messrs. Devidayal Sales Ltd.
31. Messrs. Purshottam Mathradas & Co. Ltd.
32. Messrs. Louis Dreyfus & Co. Ltd.
33. Messrs. Gopikrishna Gokuldas.

AND

Their workmen represented by Port Khalasis Union, Vizagapatnam.

PRESENT

Shri K. N. Kunjukrishna Pillai, Chairman.

Madras, Dated the 6th Day of February, 1957.

APPEARANCE

For the employers represented by } Shri B. V. Suryanarayana, Secretary of
the Shipping Employers Federation, } the Federation.
Vizagapatnam. }

For the workmen No appearance.

AWARD

The above dispute was referred by the Ministry of Labour, Government of India by their Order No. LR.3(16)/56, dated 6th July 1956, for adjudication and the same was registered as Industrial Dispute No. 3 of 1956. Summons were issued to the parties. The issues to be decided are:—

"Shore Labour:

1. That a daily wage rate of Rs. 4 (Four) be fixed for a day of 8 hours for a Khalasi and Rs. 6 (Six) for a Maistry.
2. That a guaranteed work for 15 days or wages in lieu of should be given to all the Khalasis per month.
3. Bonus for the last 5 years should be paid at the rate of 1/4/- of their total yearly earnings. (one fourth $\frac{1}{4}$).
4. Work on all Sundays and public holidays should be at double the ordinary rate of wages.
5. Overtime should be paid at double the ordinary rates till 2 hours after the normal 8 hour work and full wage rate for all O. T. work above two hours under no circumstances the total spread of work should exceed 11 hours.
6. All Khalasis should be registered and should be provided with a photo identity card or dock pass.
7. All shore work in the port, quaywall, Warehouse sidings, godowns etc. including cleaning and forwarding, transporting, storaging, importing and exporting and any other handling of any cargo, stores or material, except manganese and coal work, should be the exclusive work of the 'shore and godown Khalasis' and no outsider should be allowed to be employed on any one of these works in the entire port area.
8. An adult literacy school and canteen should be opened for the benefit of the Khalasis in the port area. The food articles should be sold at just the cost price of preparation.

9. The water facilities should be improved and drinking water made available at every workers spot and in the vicinity of every godown all over the port where the workmen are required to work. So also bathing facilities when the workers cease work.

Stevedore Labour.—Strict observance of the Pool system by every employer and total prohibition of any outside labour on board the ship for any work. Enhancement of the wage rate by As. 4. Minimum of 15 days work to be guaranteed to the Stevedore Labour. All these benefits to be extended to the Maistries, tindals, winchmen, watchmen, gangboys etc.

Iron ore, Manganese & Coal Wagon Unloading.—The following Wagon rates should be given:

Iron ore.—Rs. 10 per wagon as per the previous agreement. The Labour are now being paid only Rs. 8-8-0. The difference in the rate should be paid with retrospective effect.

Manganese ore.—Rs. 11 should be given.

Coal.—Rs. 13 should be given. The previous coal rate of Rs. 12/- was not implemented and only a wagon rate of Rs. 11/- was being given to the labour. The difference in the wagon rate till now should be paid back retrospectively.

Coal Shipment.—Rupees one and annas eight should be the coal carrying rate from now on. The previous rate of Rs. 1-6-0 was only implemented and a rate of Rs. 1-2-0 only has been paid to the labour.

Skip Loading.—A rate of Rs. 1/- per day and Rs. 1/4/- per night should be given per skip. Wagon Loading and Unloading should be at As. -/8/- per ton. A maistry commission of 2 per cent. of the labour bill should be paid. Permanent housing structures should be erected and adequate water facilities should be created. Water should be kept open throughout the day or night when work is in progress."

2. On behalf of the workmen, the Port Khalasis Union, Vizagapatnam filed their statement on 30th October, 1956 and on behalf of some of the employers, the Shipping Employers Federation, Vizagapatnam filed reply statement. The dispute stood posted for a number of times for evidence but the parties were applying for time on the ground that they were negotiating for settlement. With a view that it is better to have a negotiated settlement between the parties I have been allowing sufficient time. It is gratifying to note that the representatives of the Union and the Federation have filed a compromise petition on 4th February, 1957.

3. In the application filed by the representatives of Federation and the Union they have annexed the copies of memoranda of settlement entered into on 9th July, 1956, 10th September, 1956 and 2nd January, 1957 and they pray that in award in terms of the settlement may be passed.

4. In this connection it has to be pointed out that the settlement is entered into by the representatives of the Shipping Employers Federation and the Port Khalasis Union, Vizagapatnam, only. It has to be mentioned that the names of the employers, who are parties, are given in Schedule II under the categories of Stevedores, Port Contractors, Steamer Agents, Shippers and Clearing & Forwarding Agents. The Federation has given a list of the Members of the Shipping Employers Federation and it can be seen that some of the employers who are parties in the dispute are not members of the Federation. Further the Ministry of Labour issued a notification dated 16th November, 1956 by which they have deleted Messrs. Binny & Co, Ltd., from the original notification. That is to say one of the employers namely Messrs. Binny & Co. Ltd. need not be parties. This is not objected to either by the Union or by the other employers. Hence I do not consider the question whether the Government have got the right to delete one of the parties from the dispute after referring the dispute for adjudication. Hence I hold that Messrs. Binny & Co. Ltd. are not parties in the dispute.

5. It is pertinent to point out that the representatives of the Union and Federation have begun to negotiate even prior to the date of reference and they are to be congratulated for taking a correct step in the matter of settlement of dispute. I am appending here with the copies of memoranda of settlement entered into by the representatives of the Federation and Union on 9th July, 1956, 10th August,

1956 and 2nd January, 1957 as Appendix I, Appendix II and Appendix III respectively. The copies of the proceedings of the Extra ordinary General Body meeting of the Shipping Employers Federation held on 5th October, 1956 and 10th February, 1956 are produced. These resolutions show that the General Body authorised the representatives who have signed in the Memoranda of settlement to negotiate and compromise the dispute on behalf of the Federation. On behalf of the Union, the President who is authorised by the Union has signed the settlement. I have carefully gone through the terms of settlement and I hold that the terms of settlement are fair to both parties. Hence I pass an award in terms of the settlement, the copies of which are annexed herewith.

6. It is agreed by the Union in para. 4 of the Memorandum of settlement dated 2nd January, 1957 that they do not press other demands put up by them under the present reference. Hence I find that the other issues mentioned in the Order of reference which are not covered by the settlement of the parties are decided against the Union. The Union in their application filed on 4th February, 1957 has prayed that the award should not be binding for one year on reasons stated in the petition. The representative of the Union was not present. I am not convinced of the reasonableness of the grounds on which they made the demand; and the award will be in force according to law.

7. Another question which arises for consideration is whether this award is binding on the non-members of the Federation who are parties to the dispute. It is not the case of the non-members that the award will not bind them. None of the non-members of the Federation have filed their statement or entered appearance hitherto. It is seen from the records that one of the employers namely Messrs. Volkart Bros. has sent a petition on 31st July, 1956 saying that they are not necessary parties on the grounds that they do not engage any labour directly. They have not attempted to prove the contention. Similarly one of the non-members of the Federation namely the India Steamship Co., Ltd., sent a letter on 1st August, 1956, claiming that 'they are not employers of any category of labour directly affected by the said adjudication'. It is regretful to find that such employers do not yet know how to represent their case before the authorities under the Industrial Disputes Act. This employer also did not attempt to prove the allegation and kept quiet after sending the letter. I find that both of them are bound by the award and their prayer is rejected. Regarding the question whether this award is binding on the non-members of the Federation I have absolutely no hesitation to say that the non-members are bound by this award on two grounds. Firstly, they have neither filed their contentions nor questioned the terms of the compromise entered into between the Federation and Union. Secondly, in an adjudication of this kind two rates of wages and other remuneration will cause industrial disquiet. It is in the interest of industrial peace that I find the award is binding on the non-members also.

8. The representative of the Union in his petition presses that the cost of the Union should be awarded. The representative of the Federation argues that he should be awarded the cost. I have heard the forcible arguments of the young and energetic Secretary of the Federation and he has completely convinced me with his lucid and cogent arguments that he is entitled to claim his cost. He has come all the way from Vizagapatnam and filed the compromise petition even though the representative of the Union was also bound to be present according to the terms of the compromise. The ground on which the representative of the Union did not appear on the date of hearing is not convincing. Anyhow it is true that the Union has incurred some expenses on account of this adjudication. Hence both the representatives of the Union and the Federation are entitled to get their cost. I have no difficulty in deciding the question who is to pay the cost. The non-members of the Federation whose names are mentioned below, after accepting the summons, remained quiet under the assumption that the Federation in which they are not members would fight out their case also. Their expectation became true because the Federation after having negotiated with the Union for a few months came to an satisfactory compromise and the non-members also have been benefited by the efforts of the Federation. The attitude of the non-members of the Federation as evinced in this adjudication is highly unbecoming of the employers engaged in an important industry like this. To sit quiet after giving occasion to raise an industrial dispute with the workmen with the solemn hope that others will fight out their case also is not a correct attitude to be adopted under similar circumstances. It is only in the interest of the parties and progress of the industry that both the workmen and the employers should have representative organisations under a democratic set-up. The parties will stand to gain much by organising themselves in a collective way and it is surprising to me how the non-members stood aloof from the

Federation. The attitude adopted by the non-members compels me to tax them with cost. Each of the non-members who are parties, whose names are mentioned below, will pay a cost equal to Rs. 100 (Rupees hundred). The employers who are 1 to 10 in the list given below will each pay at the rate of Rs. 100 to the Federation and others upto 17 will pay at the rate of Rs. 100 to the Union.

The Names of the Non-Members

1. Messrs. Shriram Shipping Service, Ltd.
2. Volkart Bros, Agency.
3. Messrs. P. V. Ramamurthy.
4. Messrs. F. W. Heilgers & Co., Ltd.
5. The India Steamship Co., Ltd.
6. Messrs. Karamchand Thapar & Bros.
7. The East Asiatic Co., Ltd.
8. R. B. Seth Shriram Durga Prasad.
9. Messrs. B. P. Khemka & Co.
10. Messrs. Sepulchre Bros.
11. Messrs. Ram Bahadur Thakur & Co.
12. Messrs. Central Hindustan Industrial Corp., Ltd.
13. Messrs. The Associated Minerals Traders.
14. Messrs. Devidayal Sales Ltd.
15. Messrs. Purushottam Mathradas & Co., Ltd.
16. Messrs. Louis Dreyfus & Co., Ltd,
17. Messers. Gopalkrishna Gokuldas.

9. This award will come into effect from the date of publication in the Gazette according to Section 17 of the Industrial Disputes Act, 1947 subject to the agreement entered into by the Union and Federation. The cost should be paid within a month from the date of publication. I pass the award in terms specified above.

(Sd.) K. N. KUNJUKRISHNA PILLAI,
Chairman.

APPENDIX I

MINUTES of the meeting of the Minerals Sub-Committee of the Shipping Employers' Federation, Visakhapatnam, held in the office of the Chairman, Shri K. S. Dutt, at 3 P.M. on 9th July, 1956 with the President, Port Khalasis Union, Visakhapatnam.

PRESENT

1. Sri K. S. Dutt.
2. G. H. Maclean Esq.
3. Sri H. K. Banerjee.
4. Sri D. Satyanarayana—Representing Shipping Employers' Federation.
5. Sri B. G. M. A. Narasingarao, President, Port Khalasis Union
6. Sri B. C Babiah, Labour Inspector, (Central)

The demands presented by the Port Khalasis Union, for the Manganese Skp. Loading Labour, vide their letter No. Nil, dated 1st June, 1956, have been discussed in detail with the President of the Port Khalasis Union and the following decisions have been arrived at:

Items 1 & 2 of the demands

The President of the Port Khalasis Union demanded a rate of Rs. 1/8/- per skip to be paid to the labour, and also a night duty allowance of Rs. 18/- per half night and Rs. 36/- per full night. After detailed discussion it is mutually agreed that an increase of 25% over the existing rate of Rupee One per skip should be given to the Manganese skip loading labour, irrespective of the weight of the skip, with effect from 5th September, 1956. As regards night duty allowances after full discussion, it is, mutually agreed that a difference of As. -/1/- per skip between day rate and night rate should be maintained. It is, however, considered desirable to adopt a flat rate of Rs. 1/4/6 per skip for both day and night work to avoid working and other difficulties.

Item 3 of the demands

After full discussion it is agreed that 2 per cent. commission should be paid to the gang Maistries from 5th September, 1956, on the understanding that the maistries shall always be present at the work spot.

Item 4 of the demands

The principle of payment of lead in the Manganese Ore dumps is not accepted by the Sub-Committee. Shri B. G. M. A. Narasingarao, pointed out that in several instances the labour had to load from stacks far behind its front line stacks with no adequate workable frontage or passage. It is agreed that in all such cases labour shall continue the existing practice of getting an extra payment from shippers.

Item 5 of the demands

Mr. Narasingarao demanded waiting charges of As. -/12/- per head to be paid for both men and women whenever labour is engaged but kept waiting without work. After thorough discussion it is mutually agreed, that whenever labour is engaged on work but kept waiting without work either due to non-arrival or late-arrival of a vessel or due to rain for a period over six hours in a day, a sum of As. -/4/- per head is to be paid as waiting charges and for period over 12 hours a sum of As. -/8/- is to be paid per head.

Item 6 of the demands

The Sub-Committee has expressed that payment of waiting charges for intermittent stoppage of work in the Manganese Ore Dumps is not acceptable as the intermittent stoppages are unavoidable due to trimming delays on board the vessels which is inherent in the nature of the work itself. The President, Port Khalasis Union, has agreed to drop this demand.

Item 7 of the demands

The Sub-Committee has accepted to register the existing gangs and form them into a pool after the list of gangs furnished by the Union is verified and certified by the existing contractor.

Item 8 of the demands

It is mutually agreed that the Port Authorities be requested to improve the existing facilities of water supply in the Manganese Ore Dumps to enable the labour to have adequate water supply to all times.

At the request of the President of the Port Khalasis Union, the existing rate for loading Manganese Ore into wagons and unloading the same at the Quay/Jetty is also enhanced from Rs. 0-6-6 per ton to Rs. 0-8-0 per ton.

The above recommendations will be forwarded to the Executive Committee of the Shipping Employers' Federation for approval.

VISAKHAPATNAM,

The 9th July, 1956.

(Sd.)

Representative of the
Union.

(Sd.)

Representatives of the
Federation.

These recommendations have been approved by the Executive Committee of the Shipping Employers' Federation at their meeting held on 12th July 1956.

(True Copy)

(Sd.) K. N. KUNJUKRISHNA PILLAI,
Chairman.

APPENDIX II

Memorandum of settlement arrived at between the Shipping Employers' Federation Visakhapatnam and the President, Port Khalasies Union, Visakhapatnam on Friday the 10th August 1956.

PRESENT:

1. Shri K. S. Dutt,
2. Shri D. Ramamohan Rao,
3. Sri H. K. Banerjee,
4. Mr. G. H. MacLennan,
5. Sri D. Satyanarayana—Representing Shipping Employers' Federation.
6. Sri B. J. M. A. Narasinga Rao—President, Port Khalasies Union.

The demands presented by the Port Khalasies Union *vide* their letter dated 2nd February, 1956 for Stevedoring Labour Iron Ore, Manganese Ore and Coal unloading and shipment labour and skip loading labour referred for adjudication under section 10(2) of the Industrial Disputes Act, have been discussed in detail with the President of the Port Khalasies Union and the following settlement has been arrived at:—

Stevedore Labour.—Since the stevedores, have enhanced the wage rate to their stevedore labour, Mistries, Winchmen, Tindals, Watchmen, Gang Boys, etc. by As. -/4/- with effect from 1st June 1956, it is agreed that this rate shall be in force till 31st May 1957. It is further agreed that the wages for the above workers should be enhanced by As. -/4/- per head from 1st June 1957 and this enhance rate shall be in force upto 31st March 1958.

It is agreed that the stevedores should guarantee 15 days employment in a month.

It is further agreed that stevedores shall employ only Pool Labour and as and when considered necessary other Minerals labour working in the port may be employed for stevedoring with the consent of the Port Khalasies Union when the Pool Gangs are not adequate to cope with the work.

Sd/-

Sd/-

Representatives of the Federation.

Representative of the Union.

Iron Ore, Manganese Ore, Coal Wagon Loading and Shipment Labour.—The following rates have been agreed upon:—

Manganese Ore Wagon Unloading	Rs. 10 per wagon.
Coal Wagon unloading	Rs. 12/8 per wagon.

The rates for unloading iron Ore Wagons and rate for Coal shipments shall remain unchanged. The above rates shall come into effect from 1st September 1956 and shall be in force upto 31st August 1957.

It is mutually agreed that this Memorandum of settlement shall be presented before the Honourable Court and with a request to pass an award on the above lines:—

Sd/-

Sd/-

Representative of the Port
Khalasies UnionRepresentative of the Shipping
Employers' Federation

(True Copy)

(Sd.) K. N. KUNJUKRISHNA PILLAI,
Chairman.

APPENDIX III

Memorandum of Settlement arrived at this 2nd day of January 1957 between the Shipping Employers' Federation, Visakhapatnam, and the Port Khalasis Union, Visakhapatnam, regarding the fixation of rates etc., for shore Khalasis, handling export and import, bagged and general cargoes;

1. It is agreed that there should be a general rate increase of 33-1/3% over all existing rates of export cargo consisting of Jute, Oils, Tobacco, Sugar, Cement etc. with effect from 16th June, 1956 for all export cargo work whether done at S.I. S.2 or at Quay Wall transit sheds except bagged cargo for which a 25% rate enhancement has recently been given. It is now agreed to award an additional 8-1/3% rate increase for bag cargo with effect from 16th June 1956 so as to make it 33-1/3%

2. With regard to the Import Handling Cargo it is considered not possible to give any rate increase for the year 1956 in view of the tender being quoted on old rates. However, an additional rate of As. -/4/- will be given per every 100 bags for wagon loading work with effect from 1st February 1956 as has been agreed in a previous conciliation settlement. With regard to the fixation of the rates for the year 1957 for Import Handling Work it is considered beyond the purview of the present negotiations or reference.

3. It has been agreed to furnish and equip the Canteen which is being started by the Port Khalasis Union, as recommended by the Port Administrative Officer.

4. It is also agreed that the Port Khalasis Union do not press other demands put up by them under the present reference.

5. It is agreed to pay the workers the emoluments that are due as per this agreement before the *Pongal Festival* coming on 12th January 1957.

6. It is agreed to file this memorandum of Settlement before the Central Government Industrial Tribunal, Madras with a request to pass an award on the above lines.

Sd/-

Sd/-

Representatives of the Shipping Employers' Federation.

President, Port Khalasis Union.

(True Copy)

(Sd.) K. N. KUNJUKRISHNA PILLAI,

Chairman.

[No. LR3(16)/56.]

New Delhi, the 15th February 1957

S.R.O. 565.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to Junnardeo Collieries of the Bharat Collieries Limited, Junnardeo and their monthly related staff.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE NO. 8 OF 1956

Before Shri Syed Matin Ahmed, Member, Labour Appellate Tribunal of India, functioning as the Sole Member of the Central Government Industrial Tribunal constituted by order of the Government of India, in the Ministry of Labour, No. S.R.O. 1507 dated the 23rd June 1956 and Order No. LR2(74)/55 dated 5th December 1956, with headquarters at Dhanbad.

In the matter of:

The 21 monthly rated staff

AND

The employers Messrs. Bharat Collieries Limited (Junnardeo Collieries) P.O. Junnardeo, Dt. Chhindwara.

APPEARANCES:

Shri R. S. Verma—for the workmen.

Shri B. K. Mahesh,—for the management.

AWARD

This industrial dispute between the management in relation to Junnardeo Collieries of the Bharat Collieries Limited, Junnardeo and their 21 old monthly rated staff was originally referred for adjudication to the Central Government Industrial Tribunal, Dhanbad, consisting of a Single Member, namely Shri P. S. Bindra, by the order of the Government of India, in the Ministry of Labour, No. S.R.O. 3429 dated the 31st October 1955 on an application, under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, jointly made by the management and the duly authorised representatives of the monthly rated staff in respect of the matters set forth in the said application. As subsequently the services of Shri P. S. Bindra ceased to be available, the dispute was referred to me for adjudication as a Sole Member of the Industrial Tribunal by the Order of the Government of India, in the Ministry of Labour, No. S.R.O. 1507, dated 23rd June 1956 and subsequent order No. LR2(74)/55 dated 5th December 1956, with headquarters at Lucknow, which were later changed to Dhanbad.

The following were the matters of dispute specified in the aforesaid application and referred to for adjudication.

- 1.(a) To allow 58 days with pay leave in a year, as detailed below, as per Dalmia Jain Establishment Rules, 1945 which were applicable to these 21 workmen from the days of their appointments:
 - (i) 30 days privilege leave
 - (ii) 12 days sick leave
 - (iii) 12 days casual leave
 - (iv) 4 days festival leave, in a calendar year.

Total: 58 days leave in a year.
- (b) To pay to them the arrears of salaries for 308 days (for 7 years) to each of them at 44 days in a year as the company has curtailed the with-pay leave days to 14 days out of 58 days as stated in (a) above (from 10th October 1947 to July 1955).
2. (a) To continue paying servant allowance to whom it was being paid at Rs. 5 per month with immediate effect as was being given to some of them from the day of their appointments.
- (b) To pay to them the amount of Rs. 460 to each of them to whom this allowance was being paid, being the arrears of servant allowance which have not been paid to them by the company from 10th October 1947 to July 1955.
3. (a) To fix up the basic salaries of Shri Sheoprasad Parihar and Chotelal as Rs. 67/8/- and Rs. 26 respectively with immediate effect as their basic salaries were reduced by the company from the date of commencement of the Award. Their salaries before the Award were Rs. 75 and Rs. 30 respectively inclusive of Dearness Allowance.
- (b) To pay the arrears of difference of pay including the amounts of Bonus, Provident Fund amount commencing from 19th October 1947 to July 1953 to Shri Sheoprasad Parihar and Chotelal.

Of the twenty-one monthly rated workers, concerned in this case, five, namely (1) Shri R. S. Verma, (2) Shri H. P. Paul, (3) Shri S. Goswami, (4) Shri Sheoprasad Parihar and (5) Shri H. P. Sharma were duly authorised to represent them by a resolution, in accordance with rule 4(b) of the Industrial Disputes (Central) Rules, 1947, passed in a meeting held on 30th August 1953. The case of the workmen, as disclosed in the statement of claim filed by them, was that all the twenty-one workers were employed by the opposite party from before 10th October 1947, and their terms and conditions of service were governed by Messrs. Dalmia Jain & Co. Ltd.'s Dalmia Jain Establishment General Service Rules 1945. Under these rules the workmen concerned were entitled to:

- (i) 30 days privilege leave
- (ii) 12 days sick leave
- (iii) 12 days casual leave
- (iv) 4 days festival leave, in a calendar year.

They claimed that they were thus entitled to a total period of 58 days leave in a calendar year. That the opposite party, without notice to these workmen, stopped the sick leave, casual leave, festival leave and reduced the 30 days privilege leave to 14 days only in the year with effect from 10th October 1947 when the Fact Finding Committee Report came into force. All the leave due to the respective workman as on 10th October 1947 was credited to his account and from 10th October 1947 to the end of 1949, no with-pay leave was granted to such workmen who had no leave due as on 10th October 1947. They urged that they were entitled to better benefits and privileges which could not be curtailed by a new award. The 58 days with-pay leave in a year in terms of their service which those workers were enjoying and to which they were entitled has, according to them, been unjustifiably and illegally reduced by the opposite party. They, therefore, prayed that the opposite party be made to pay the arrears at forty-four days leave wages per year retrospectively from 10th October 1947 up-to-date and the cut of the 44 days leave per year be restored.

They further urged that an allowance of Rs. 5 per month which was being paid regularly to some of the workmen, as 'servant allowance', from the date of their employment was also stopped from 10th October 1947. This remuneration was one of the terms of their service and the opposite party could not stop it.

They, therefore, prayed that this allowance of Rs. 5 per head per month be restored and the opposite party be directed to pay the arrears to each of the seven workmen concerned retrospectively.

The workmen's next contention was in respect of fixation of salary of two of them, namely Shri Sheoprasad Parihar and Shri Chotelal, who, it is alleged, were appointed on a consolidated salary of Rs. 75 and Rs. 30 per mensem respectively, and when the Fact Finding Committee's award came into force from 10th October, 1947, the opposite party without any cause reduced them to Rs. 60 and Rs. 22-8-0, respectively—instead of taking the consolidated salary as their basic salary. They stated that the basic salary could have been fixed in the alternative on the basis of dearness allowance which was prevalent in M.P. Coal Mines before 10th October, 1947. They, therefore, urged that the basic salary of these two workmen be fixed taking into consideration the prevailing dearness allowance, if not, their consolidated salary prior to 10th October, 1947, and that arrears of difference in salary, bonus, provident funds, dearness allowance, based on the salary to be fixed be paid retrospectively and restored for the future.

The management in their written statement alleged that the terms and conditions of service of all the employees, including the 21 workmen in this reference, are governed by the standing orders that were certified in 1949; and that the above standing orders provided for 10 days holiday with pay; but since the Mines Act 1952 has fixed 14 days as Annual leave with wages for monthly rated staff, they have fixed the holidays with pay for 14 days, which is liberal and just. They alleged that the workmen's belated claim in this respect was untenable.

Regarding the servant's allowance of Rs. 5 to some of the workmen, they alleged that before the Fact Finding Committee's Report there was no fixed scale of dearness allowance for the employees, and that allowance in some form or the other were granted to the employees to neutralise the cost of living. That allowance in whatever name they might have been called or termed were in lieu of dearness allowance. That after the Fact Finding Committee's Report the management were justified in regularising the payment of dearness allowance and fix the same as proposed by the Committee after withdrawing the servant allowance.

As for workmen's grievance regarding fixation of basic salary of Shri Sheoprasad Parihar and Shri Chotelal, the management's case was that prior to 10th October, 1947, the date of the Fact Finding Committee's Report Shri Sheoprasad Parihar and Shri Chotelal were being paid consolidated sums of Rs. 75 and Rs. 30 respectively inclusive of all allowances, and there was no separate basic or dearness allowance. That after the report of the Fact Finding Committee the consolidated salary of Shri Sheoprasad was broken up as Rs. 60 basic on which Rs. 40 was fixed as the dearness allowance and that of Shri Chotelal Rs. 22-8/- as basic and Rs. 22-8-0 as dearness allowance, which have been subsequently increased in the case of the latter to Rs. 25 as basic and Rs. 25 as dearness allowance.

The management finally urged that the demands of the workmen are belated and as such should not be entertained.

The workmen examined two witnesses and relied upon the documents filed by them and also the documents which they had called upon the opposite party to produce. The case on their behalf was argued by Shri R. S. Verma, one of the five workmen duly authorised to represent them. In the course of arguments it was admitted that Dalmia Jain had acquired Junnardeo collieries in a court auction-sale on 23rd February, 1945, and that almost all the workmen, concerned in this reference, were employed on or after 23rd February 1945, except the workman No. 10 in the Annexure 'A' filed with the statement of claim, namely Maniraj Singh, who was an old employee of the previous concern. There is no record before me to show who owned these collieries prior to 23rd February 1945, and what were the rules and conditions of service governing the employees thereof. It appears that when Dalmia-Jain acquired these mines they applied their General Service (Establishment) and Leave Rules, 1945 (Ex. 2-1 and Ex. 2-2), partially to the workmen of these collieries also. It is the case of the workmen that having applied these rules to them in respect of leave, the management could not curtail the period of leave due to them thereunder by subsequent order. The fact that these workmen, in the absence of any other rules, were governed by the Dalmia-Jain Leave Rules (Ex. 2-2) till 10th October 1947, has not been specifically denied or disputed by the management.

Shri B. K. Mahesh, the manager of the collieries, who argued the case on behalf of the management, contended that Dalmia-Jain General and Leave Rules, 1945 were applied to the workers only partially as guidance, in the absence of other rules or standing order in respect of Junnardeo collieries prior to 10th October,

1947. They were never strictly followed. On 10th October, 1947, after the publication of the Fact Finding Committee's Report, the recommendations contained in the report were introduced and the old practice regarding wages, salaries, leave etc was discontinued. Although the Fact Finding Committee did not specifically deal with the question of leave owing to shortness of time, yet the purpose of the appointment of the Committee was the same as that of Conciliation Board Award for Bengal and Bihar coalfields. The Government directed by 'Press Note' dated 6th January, 1948, that recommendations of Board of Conciliation regarding leave, promotions etc. which were simple and of a general nature should also be implemented in the coalfields of the C.P. and Berar, until such time as C.P. & Berar Coal Mines could adopt their own standing orders. That the standing orders for coal industry in C.P. & Berar were registered and introduced in these collieries on 3rd February, 1949; and since then the rules and conditions of service, as contained therein, were made applicable to all the workers, including the 21 workers in this case. All the workers were informed about these changes, which they accepted without any protest.

He further argued that after 10th October 1947, the provisions of old rules of 1945 were never applied in the case of any of the workmen nor did any of the workmen try to avail himself of the same. The old rules automatically became inoperative and obsolete after the said date. The leave rules were stated to be subject to the general service rules and as such they could not be separated. The standing order of 1949 contained rules and conditions of service applicable to the workmen in these collieries, and they were accordingly governed by the leave rules stated therein. Although the standing order provided 10 days 'holiday with pay' as provided in the Factory Act of 1934, the management have fixed 14 days as 'annual leave with wages' for monthly rated employees as contemplated under the Mines Act 1952.

There is no doubt that Dalmia-Jain Leave Rules, 1945 were being applied to these 21 workmen prior to 10th October 1947, but there is no satisfactory evidence on record to show that these rules or the general service Rules, 1945 (Exs. 2-1 and 2-2) governed their conditions and terms of service or that they were applied to them in their entirety. The Junnardeo coal mines were acquired by Dalmia-Jain in a court auction-sale on 23rd February 1945, and there were perhaps no rules or regulations in connection with these collieries before Dalmia-Jain acquired them. The Dalmia-Jain Leave Rules, 1945, were, therefore, applied to these workers as an emergency measure from 23rd February 1945, to 10th October 1947, during which period everything in connection with these collieries was in a fluid state. The Government of India by a resolution No. L.R(103) dated 12th May 1947, appointed a Fact Finding Committee to report on the grant of monetary benefits and concessions to colliery workers in C.P. & Berar and in Orissa, on lines similar to those granted to colliery workers in Bengal and Bihar as a result of the recommendations of the Board of Conciliation (Colliery Dispute). This Committee was directed to submit its report before 10th July 1947, so that expeditious action could be taken in the matter. The Committee's report was published and its recommendations were given effect to by a resolution of the Government of India, Ministry of Labour, dated 10th October 1947. The recommendations made by this committee in respect of wages, dearness allowance, bonus, lead and lift rates, cost of explosive, were adopted by the collieries in Central Provinces. But as the Fact Finding Committee had not dealt with the question of leave etc. the Government of India by a 'Press Note' (Ex. 1-A) dated 6th January, 1948, directed the colliery owners to implement the recommendations of the Board of Conciliation (Colliery Dispute) regarding leave, promotions, medical facilities etc. The 'Press Note' issued by the Government and referred to above was as under:

"More benefits to miners in C.P. & Orissa.—The Government of India have decided that the recommendations of the Board of Conciliation (Colliery Dispute) regarding leave, promotions, medical facilities etc. which are simple and of a general nature should also be implemented in the coalfields of the C.P. & Berar and Orissa in so far as they are applicable and to the extent the present position falls short of them. Although the recommendations of the Board were applicable only to Bengal and Bihar, the Government has recognised that appropriate action would be necessary elsewhere. Accordingly a Fact Finding Committee was appointed for the coalfields in the C.P. & Berar and Orissa to deal with the benefits and concessions which require special consideration in the light of varying local conditions. The Committee's report and the Government's decision granting similar benefits to the C.P. and Orissa miners were published in October, 1947. The Government of India hope that colliery owners who have not so far implemented any of these recommendations will do so without further avoidable delay."

In pursuance of the Fact Finding Committee's recommendations, and the directions contained in the 'Press Note', Dalmia-Jain regularised their system of wages, etc. as well as leave rules, which were subsequently incorporated in the Standing Order (Ex. 1-E) certified on 3rd February 1949. The management were thus entirely justified in effecting the necessary changes and regularising the rules of service in accordance with the recommendations of the Fact Finding Committee and the Board of Conciliation as per direction in the 'Press Note'.

The contention of the 21 workers in this case is that as they were employed prior to 10th October 1947, the changes in the leave rules affecting them adversely, should not have been made so far as they were concerned. In this connection, they have relied upon paragraph 10 of the Joshi agreement (Ex. 1-C) and the provisions of Section 50 of Chapter VII of the Mines Act, 1952 regarding leave with wages to which I shall refer shortly. The recommendation of the Conciliation Board Award (Ex. 2-3) regarding 'Annual Leave' is at page 21 of this document; and the Board had recommended 14 days leave with pay for monthly paid staff. This recommendation the management in this case have adopted by fixing 14 days leave with pay for their monthly paid staff. Paragraph 10 of the Joshi Agreement (Ex. 1-c) however lays down:

"All old employees who had been in receipt of privileges and benefits better than those given in the Board's Report should not be adversely affected."

There is a similar provision in Section 50 of the Mines Act 152, which states:

"The provisions of this Chapter shall not operate to the prejudice of any rights to which a person employed in a mine may be entitled under any other law for the time being in force or under the terms of any award, agreement or contract of service, and, where any such award, agreement or contract of service provides for a longer leave with wages than is provided in this Chapter, such person shall be entitled to such longer leave only."

The point for consideration, therefore, is whether these 21 workers are entitled to longer leave, as provided for by Dalmia-Jain Leave Rules, 1945, than 14 days leave with pay as fixed by the management after 10th October 1947. In this connection, I have already held above that Dalmia-Jain Leave Rules, 1945 were applied to these workmen as an emergency measure and for want of any other Rules for these collieries, and that they did not form conditions and terms of their service. Even supposing that they did apply to these workers and formed part of the conditions and terms of their service, the workers, to my mind, cannot claim any right to their applicability at this late stage, particularly when they have tacitly consented to abide by the new Rules for this long period of seven years. There is not an iota of evidence on record to show that these workers at any time protested or complained to the management in writing regarding curtailment of leave. Workmen's witness No. 1, Shri Sureshchand Goswami, admits:

"We had to agree to the changes made in pursuance of the recommendations of the Fact Finding Committee by the company under pressure."

He, however, further admits that the management did not give them any threat to accept these changes. This witness holds a responsible post of 'Head Clerk' with the company and could not have been expected to accept these changes which adversely affected him without protest. The other witness, Hari Prasad, deposes that he complained to the management regarding curtailment of leave orally. But his evidence in this connection is vague and leads us nowhere. Most of these workers are responsible members of the staff and if they had any grievance regarding the curtailment of their leave, they would have certainly protested against this and complained in writing. Not only this, but subsequent to the changes in the leave period made on 10th October 1947, the standing order was promulgated on 3rd February, 1949, and the changes were incorporated therein. It is unthinkable that these workers did not know about the standing order when it was published. Certainly they could have protested at that time, if not earlier. The entire conduct of these workmen clearly indicates that they had no grievance whatsoever against the changes made in their Leave Rules, and that they tacitly acquiesced therein. They have given no satisfactory explanation why they did not raise any industrial dispute, earlier. This long delay of seven years in raising an industrial dispute in connection with their grievance regarding curtailment of the period of their leave has not at all been explained by the workmen. The delay on the part of the workers, even if their claim were held to be proper, is in my opinion fatal and they cannot at this late stage ask for the redress of their grievance. I, therefore, reject their claim for allowing them longer leave under the Dalmia-Jain Leave Rules, 1945 as having been filed after an inordinate delay.

Now coming to the question of servant's allowance which was being allowed to some of the workers prior to the introduction of new Rules after 10th October, 1947, the management's case in this connection, is that this servant's allowance was being given to them *ex.gratia* as the dearness allowance that was being given to the workers was rather low. This allowance did not form part of their wages and was not included in the conditions and terms of their service. Under the recommendations of the Fact Finding Committee's Report the dearness allowance was considerably increased besides bonus, and other allowances and in view of that the management stopped this allowance with the consent of the workmen. The management further urged that the workers concerned did not raise any objection to the stoppage of this allowance when it was stopped and that after the lapse of seven years they cannot claim it now. There is not the least doubt that under the recommendations of the Fact Finding Committee's Report the workers were considerably benefited in the matter of their dearness allowance and provisions regarding bonus, and other facilities. This fact is also admitted by the workmen's witness No. 1, Shri Sureshchand Goswami in his cross-examination. The fact that the workers did not object to the stoppage of this allowance immediately after it was stopped, is a clear indication that the workers had no grievance at the time it was stopped. Not only this, but they continued to be silent over this matter for such a long period and this shows that by their own conduct they seem to have acquiesced in the arrangements made after 10th October, 1947. I, therefore, think that they cannot raise any dispute regarding this item after the lapse of such a long time and I therefore, reject their claim in respect of this item as well.

Coming to the third item of dispute regarding the fixation of basic salary of Shri Sheo Prasad Parihar and Shri Chotelal, there appears to be some force in the contention raised by the workmen on their behalf. The consolidated salary of Sheo Prasad Parihar was Rs. 75 prior to 10th October, 1947. This amount included dearness allowance which was admittedly at the rate of 10% of the basic pay ranging from Rs. 50 to Rs. 100. Deducting the amount of dearness allowance at the above mentioned rate from his consolidated salary of Rs. 75 his basic salary should have been Rs. 67-8-0, whereas the management fixed it at Rs. 60 only. Similarly in the case of Chotelal his consolidated salary was Rs. 30 which included dearness allowance at the rate of 15%. Deducting dearness allowance from his consolidated salary his basic salary comes to Rs. 23-8-0 whereas the management fixed it at Rs. 22-8-0. The management's case in this connection, is that this must have been done with the mutual consent of the workers concerned and that as there was no uniformity in the matter of scales of pays and as things had not settled down and standardised till then in the collieries, the management fixed the basic salary to maintain uniformity in view of the liberal dearness allowance that was allowed under the recommendations of the Fact Finding Committee's Report. The two workmen who could have deposed something in regard to the fact, as to how their basic pays were fixed, have not examined themselves as witnesses in this case, nor have the management adduced any evidence in support of their contention. The fact however remains that these two workmen did not raise any dispute regarding this either at the time their basic salaries were fixed or long time thereafter. This is to my mind tantamount to a tacit agreement or consent on their part to accept the basic salaries as fixed at the time and I am afraid they cannot question it after having accepted the same for such a long time. The workmen's claim in this respect also is rejected.

Thus in result the workmen's claim on all the three counts is rejected as untenable and belated. I accordingly give my award as above and make no orders as to cost.

Camp: NAGPUR;

The 31st January, 1957.

(Sd.) S. M. AHMED,
Member, Labour Appellate Tribunal
of India and Sole Member, Central
Govt. Industrial Tribunal, Dhanbad.

[No. LRII/2(74)/55.]

New Delhi, the 16th February 1957

S.R.O. 566.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the matter of an application under section 33A of the said Act from Shri Sun Bahadur Thappa, a workman of the Indian Copper Corporation Limited, P.O. Mosaboni Mines, District Singhbhum (Bihar).

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA CAMP:
MOSABANI

(1) APPLICATION No. B-3 of 1957: (u/s 33)

Mines Superintendent, Indian Copper Corporation Limited, P.O. Mosabani.
Mines, Dist: Singhbhum (Bihar)—*Applicant.*

Versus

Shri Sun Bahadur Thappa, B/No. 7530 Sepoy, Watch & Ward Department,
c/o Mosabani Mines Labour Union, P.O. Mosabani Mines. Dt: Singh-
bhum—*Opposite Party.*

(2) APPLICATION No. R-54 of 1957: (u/s 33-A)

Shri Sun Bahadur Thappa, Sepoy B/No. 7530, c/o Mosabani Mines Labour
Union, P.O. Mosabani Mines, Dt: Singhbhum—*Applicant.*

Versus

Messrs. Indian Copper Corporation Limited, P.O. Ghatsila, Bihar—*Opposite
Party.*

In the matter of applications under sections 33 and 33-A of the Industrial
Disputes Act, 1947 in respect of the above parties.

Dated, Camp: Mosabani, the 31st January, 1957.

PRESENT

Shri R. K. Basu, Sole Member.

APPEARANCES

For the Company: Shri M. N. Sahai, instructed by Shri K. Ramamoorthi,
Labour Officer.

For the workman: Shri H. K. Dass, Assistant Secretary, Mosabani Mines
Labour Union.

State: Bihar, Industry: Copper Mines.

AWARD

There were two applications: one filed by the Indian Copper Corporation
Limited under section 33 for permission to discharge a workman named Shri Sun
Bahadur Thappa and, another by Shri Sun Bahadur Thappa under section 33-A
of the Industrial Disputes Act, 1947 for restraining the Corporation from taking
any steps against him. These applications came up for hearing before this
Tribunal on the 22nd January, 1957 and the 18th January, 1957 respectively.
On the latter date a petition was filed on behalf of the workman Shri Sun Bahadur
Thappa for withdrawal of his case under section 33-A subject to this reservation
that the petition for withdrawal might be disposed of on the same date on which
the application under section 33 filed by the Corporation might be heard. On
the 22nd January, 1957 at the instance of the parties the case under section 33
was adjourned *sine die*.

On the 25th January, 1957 the Corporation filed a petition stating that its
case under section 33 as against the workman Shri Sun Bahadur Thappa might be
treated as withdrawn as the employee concerned had in the meantime tendered
resignation from the Company's service.

This petition filed on the 25th January, 1957 is taken up to-day in the presence
of the representatives of the Corporation and the Mosabani Mines Labour Union
appearing on behalf of the workman.

In view of the petition filed on the 25th January, 1957 the case under section
33 against Shri Sun Bahadur Thappa stands dismissed for non-prosecution.

Shri Sun Bahadur Thappa's case under section 33-A is also dismissed on the
ground of non-prosecution on the basis of the petition for withdrawal filed. No
costs.

The 31st January, 1957.

(Sd.) R. K. BASU,
Sole-Member.

[No. LRII/57-1(26)/57.]

New Delhi, the 19th February 1957

S.R.O. 567.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to Messrs. Eastern Minerals Limited, Mohanpur, Ghatsila, and Mohanpur Kynite Mines Workers' Union, Ghatsila.

BEFORE SHRI SYED MATIN AHMED, MEMBER, LABOUR APPELLATE TRIBUNAL OF INDIA, FUNCTIONING AS SOLE MEMBER OF THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CONSTITUTED BY THE ORDER OF THE GOVERNMENT OF INDIA, IN THE MINISTRY OF LABOUR NO. S.R.O. 1498 DATED 20TH JUNE 1956, WITH HEADQUARTERS AT DHANBAD

REFERENCE No. 3 of 1956

In the matter of an industrial dispute between the employers in relation to Messrs. Eastern Minerals Ltd., Mohanpur, Ghatsila, and the Mohanpur Kynite Mines Workers' Union, Ghatsila.

APPEARANCES

Shri Choudhury M. A. Hasnat, President, Mohanpur Kynite Mines Workers Union—*For the workmen.*

Shri M. S. Bala.—*For the Employers.*

AWARD

This industrial dispute between the employers in relation to Messrs. Eastern Minerals Limited and Mohanpur Kynite Mines Workers' Union, Ghatsila, regarding wages, bonus, Provident Fund, gratuity, etc. was originally referred for adjudication to the Central Government Industrial Tribunal at Dhanbad, consisting of a single member namely Shri P. S. Bindra, by order of the Government of India, in the Ministry of Labour No. S.R.O. 1697 dated the 26th July 1955. As the services of Shri Bindra ceased to be available it was referred to me for adjudication by a subsequent order No. S.R.O. No. 1498 dated 20th June 1956 with headquarters at Lucknow which were later changed to Dhanbad.

Following were the matters of dispute referred to for adjudication:

1. Fixation of the floor level of wages at Rs. 85 per month (all inclusive) and graded rates of pay for all categories of workers be worked out.
2. A suitable profit sharing bonus scheme be introduced.
3. Opening of a Provident Fund Scheme for workmen.
4. A system of retiring gratuity for all categories of workmen.
5. All the retrenched workmen be immediately offered employment on time scale of wages and their services be regarded as continuous. Further retrenchment be immediately stopped.
6. Abolition of contract system of work.
7. Re-instatement of the following discharged and unjustifiably laid off workmen:
Chotan Rai, Chunka, Manga, Alhadi, Singo and Raghunath, Namata.
8. 10 days festival leave with full pay per year in addition to the statutory privilege leave.
9. Opening of whole time hospital with adequate staff, indoor beds and medical and surgical facilities for workmen.

A lengthy statement of claim was filed by the Mohanpur Kynite Mines Workers Union on behalf of the workmen. The employer resisted the workmen's claim *in toto*. The main line of defence by the employers was that Messrs. Eastern Minerals Private Limited were essentially a trading company but have a lease for mining kyanite in the Mohanpur area. Most of the minerals which could be economically extracted have been raised and the company has closed down the mining business and terminated the services of all the workmen with notice issued to them. All the workmen concerned have accepted their dues including what they were entitled under the Industrial Disputes Act as retrenchment compensation. They therefore urged that the present reference having been made after closure and retrenchment, was not valid and the Tribunal was not competent to adjudicate, on any of the matters referred to and that even assum-

ing that the reference was valid in law, since there has been a complete closure of the business from the area, there cannot be any adjudication of any of the matters referred to in the schedule.

The case was fixed for evidence and final disposal on 6th February 1957 at Calcutta. On this date, however, the parties came to an amicable settlement and it was admitted on behalf of the workmen that the closure of the mines was *bona fide* and in view of this fact the union did not wish to press the matters in dispute referred to for adjudication. They only urged that in case the company re-started the working of these mines again, the employees who have been discharged should get preference for employment in accordance with law. This was conceded by the employers.

In view of the above settlement, the matters in dispute referred to for adjudication do not call for any discussion on merits. The terms of the settlement arrived at between the parties are, to my mind, fair and reasonable and I accordingly pass an award dismissing the workmen's claim and directing the employers that in case they re-start the working of these mines, the employees who have been discharged should get preference for employment in accordance with law. The compromise petition marked Annexure 'A' will form part of this award.

I make no orders for costs.

DHANBAD;

Dated, the 8th February, 1957.

(Sd.) S. M. AHMED, Member,
Labour Appellate Tribunal of India and Sole Member,
Central Government Industrial Tribunal, Dhanbad.

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 3(L) OF 1956

In the matter of an industrial dispute between the employers the Eastern Minerals (Private) Limited and the Mohanpur Kyanite Mines Workers Union referred for adjudication by Central Government order No. S.R.O. LR.2(14)/55, dated 20/22nd June 1956.

1. That the union accepts the company's statement that the closure was *bona fide*.
2. That should the company re-open, the employees who have been discharged, will get preference for employment in accordance with law.
3. In the circumstances, the union withdraws the above case.

In the premises the union requests that the Tribunal may be pleased to dismiss the case. It is agreed that in case of re-opening, any future dispute, if arising, will be referred to the appropriate machinery for joint reference.

(Sd.) M. S. BALA,

Dated, the 8th February, 1957.

for the Employers.

(Sd.) CHOUDHURY M. A. HASNAT,
President, Mohanpur Kyanite Mines Workers Union.

Filed by the parties.

(Sd.) S. M. AHMED, Member,
Labour Appellate Tribunal and Sole Member, Central
Government Industrial Tribunal, Dhanbad.

[No. F.LRII-2(14)/55.]

ORDER

New Delhi, the 15th February 1957

S.R.O. 568.—Whereas the management of the Martin's Light Railways comprising the Howrah Amra Light Railway Company Limited and the Howrah Sheakhalia Light Railway Company Limited and the Light Railways Employees' Union Howrah

Maidan, Calcutta, have jointly applied to the Central Government for reference of an industrial dispute to a Tribunal in respect of the matters set forth in the said application and reproduced in the schedule hereto annexed;

And whereas the Central Government is satisfied that the Light Railways Employees' Union represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by section 7 and sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri A. Das Gupta, Member, Labour Appellate Tribunal, shall be the sole member and refers the said dispute for adjudication to the said Tribunal.

THE SCHEDULE

1. Whether pay scales should be fixed in accordance with the recommendations of the Central Pay Commission.
2. Whether 50 per cent. of the Dear Food Allowance should be merged with pay.
3. Whether the Dear Food Allowance should be increased as per State Railway rules.
4. Whether the hours of employment and the periods of rest including calendar day weekly rest generally, and particularly of Travelling Ticket Examiners, should be regulated according to the State Railway Rules.
5. Whether Leave Reserve should at once be provided and filled up.
6. Whether Earned Leave should be allowed to be accumulated to the extent permitted on the State Railways.
7. Whether the House Rent Allowance, allowed at the rate of 15% of the basic wages, should be increased to 25% of total emoluments.
8. Whether Compensatory and City Allowance should be given to staff working at Howrah area including the Bankra Workshop.
9. Whether all "Essential" staff should be provided with quarters.
10. Whether the existing staff quarters should be improved and remodelled.

[No. LR-3(67)/56.]

A. L. HANNA, Under Secy.

New Delhi, the 18th February 1957

S.R.O. 569.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President hereby entrusts to the Government of the State of Andhra Pradesh, with the consent of that Government, the functions of the Central Government under the Minimum Wages Act, 1948 (XI of 1948), in so far as these functions relates to the review and revision of minimum rates of wages fixed under the said Act for employees engaged in stone-breaking or stone-crushing operations carried on in any mine or quarry situated in that State.

[No. LWI-7(31)/55.]
N. C. KUPPUSWAMI, Dy. Secy.

New Delhi, the 18th February 1957

S.R.O. 570.—In pursuance of Section 16 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government is pleased to re-appoint Shri K. K. Bhargava, as Insurance Commissioner in the Employees' State Insurance Corporation, for a further period of five years with effect from the 5th January, 1957.

[No. F.HI-5(7)/57.]
K. N. NAMBIAR, Dy. Secy.

New Delhi, the 19th February 1957

S.R.O. 571.—Whereas it appears to the Central Government that the employer and the majority of employees in relation to the factory of Messrs. Dalal Engineering Private Limited, Silk Manufacturers Company's Compound, Chin-chavli, Malad, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said factory;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby applies the provisions of the said Act to the said factory.

2. This notification shall be deemed to have come into force on the 1st day of January, 1957.

[No. P.F.II.57(18)/57.]

R. C. SAKSENA, Under Secy.

